

APPROVED: Meeting No. 3-83

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
MEETING NO. 2-83

January 17, 1983

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, January 17, 1983, at 8:00 p.m.

PRESENT

Mayor John R. Freeland

Councilman Steve Abrams

Councilman Douglas Duncan

Councilwoman Viola Hovsepian

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Manager Larry N. Blick; City Clerk Helen M. Heneghan; City Attorney Paul G. Glasgow.

Re: City Manager's Report

Mr. Blick reported the following:

1. The City has received the County's CIP. The County Council will be holding hearings on January 26 and 27. Draft testimony will be sent out for Mayor and Council review and comment.

2. Channel 26 will be offering a series of 26 ½ hour classes on data processing over the next 13 weeks at noon on Wednesdays and Fridays. The staff will be setting up a television set in the Chambers so that employees may attend the class. The City will furnish the work books to those employees who wish to take the class during their lunch hour. If any member of the Mayor and Council would like to sit in, he or she will be welcomed.

3. On February 5 the Board of Appeals will hold public hearings on Special Exception Applications for the reuse of Lone Oak and Hungerford Park Elementary Schools. A portion of Lone Oak Elementary school is being sought for a boys' and girls' club. Montgomery County is proposing to use Hungerford Park Elementary School for the storage of old records, office equipment and janitorial supplies. In addition, a portion will be used for the storage of canned food for the MANNA food program. The all-purpose room will still be available for community meetings.

## Re: Appointments

Mayor Freeland nominated the following people for appointment, they were confirmed by the Council.

Advisory Commission on Public Education: Elaine Goldberg, 719 Harrington Road (temporary Chairman); Naomi Josephs, 4 Watchwater Court; Mary McEachern, 208 Forest Avenue; Joan Simi, 4 Tweed Court; Colman Stein, 13 Guy Court; Paul Tierney, 412 Ritchie Parkway; Caroline Wilkes, 804 Woodley Drive.

Mayor Freeland noted he is only making seven appointments this evening since interviews are continuing. The two additional appointments will be made at the next Mayor and Council meeting.

Energy Commission: William Haberman (reappointment - 2 year term)

Personnel Appeals Board: Irving Shapiro (reappointment - 4 year term)

Historic District Commission: Charles Rand & Bryan Blundell (reappointments - 3 yr terms)

Traffic & Transportation Commission: David Levinsohn (reappointment - 2 year term)

Alternative Community Service Commission: Stephen Jalon, 413 College Parkway & Karen Weaver, 1 Paca Place (appointed as alternates - 2 year terms)

Cultural Arts Commission: Keith Fisher, 8 Scotch Mist Court & Marilyn Scott, 730 Gormley Drive - (appointed - 2 year terms)

Historic District Commission: Michael Patterson (reappointed Chairman - 1 year term)

## Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Donald Boebel, 3 Barclay Court of the Rockshire Citizens Association. Mr. Boebel, speaking for the Board of the Association, told the Mayor and Council that he is speaking for the neighbors of a property on Gormley Drive and requests action to clear up the problems that exist at that property. It is an eyesore to the community. He introduced Gary Anderson, 708 Gormely Drive, who addressed the bad conditions existing there. He said that the Licenses and Inspection Department has been working to clear up the matter and hopes that they continue. The neighbors have received excellent cooperation from Mr. Pate and Radauskas.

The City Manager said the City has issued several municipal infractions, but because of the problems of the owners, the courts must decide now and it could take eight to ten-weeks time before the matter is resolved. Mayor Freeland suggested that the staff attempt to work so that it can be cleared up in a shorter period of time.

2. William Allen, 926 Farm Haven Drive. Mr. Allen told the Mayor and Council that today the neighborhood received a letter from the developer about the replacement of the attic louvers. The insulation material that is uncovered is only in garage areas so it is possible that there is no danger to individuals since it is not in a living area. He again addressed the matter of the improper house location that encroaches at the back property line. The neighborhood has hired an outside architect to resurvey the property and then North Farm can take action against the developer. He did not feel it was the neighborhood's responsibility to bring this matter to the Council and they have gone further than a citizen should have to go. He brought pieces of siding showing the inadequacy of the painting causing the siding to rot. Councilman Abrams asked about the home warranties. Mr. Allen said the Home Owners Warranty (HOW) is very difficult and the house must almost be falling apart, literally, before it can be called into effect. Councilman Abrams said the Council is attempting to sort out the responsibilities here between government and the builder. There should be civil remedies open to the purchases and he is not that sure a code violation remedy would be of much assistance at this time. Mr. Allen said the neighborhood is seeking the Council's assistance in mediation. That is what is necessary in order to get Mr. Kettler to the table with the owners. Mr. Radauskas spoke and explained the house at it sits is in compliance with the City's laws and he also spoke of the builders responsibility to the paint on the siding.

3. Terry Gans, President of the Homeowners Association, asked the City's assistance in mediation to avoid a civil suit. He said at times there seems to exist a cavalier attitude and may be a combative attitude to the homeowners. It would seem the assessments for these properties are constantly on the rise and yet there never seems to be enough funds for staff to provide sufficient service. Mayor Freeland addressed the matter of the many demands on the staff and the practical limits that exist. The Mayor said he will continue to look at ways the City can assist the neighborhood and assured them that the City will solve the problems it can but there may be problems that will have to resort to the Courts.

4. Kenneth Sullivan, 1988 Lancashire Drive. Mr. Sullivan brought to the Council's attention a grave matter, an accident that occurred at the intersection of Kersey and Falls Road that resulted in the death of the car's driver. He

said the neighborhood would certainly appreciate the City's help in traffic control after a study has been done since problems exist at this intersection all the time and more fatalities can occur. The Mayor told Mr. Sullivan the City is aware of the accident and took action last month. A study is currently being done and a light is being installed at Dunster and Falls that will certainly assist the next block of Kersey.

5. Officer William Green of the Montgomery County Police Department, Mr. Jim Ruth and Mr. Archie Avedisian of the Montgomery County Boys' and Girls' Club addressed the Council and told about the Boys' Club which is the only one in the Metropolitan Washington Area that is a member of the National Boys' Club of America. It is a United Way Agency. They outlined the plans for the use of the Lone Oak School using people from the community to be the local board of directors who will assist with programming, as will Montgomery College people. There will be many facilities available there for young people. They have already met with the City so that duplication will be avoided. Officer Green explained that he works with the young people, coaches them in boxing. He said the intent is to offer the young people some assistance and counseling. The Mayor thanked the gentlemen for their presentation this evening and commended the excellent effort they have put forth for the community. The entire Council is quite favorable to the program and the Mayor and Council felt it would not be inappropriate to express that to the Board of Appeals, indicating the representatives visit to the Mayor and Council and the fact their programs will complement the City's recreation program. He asked that the same message be sent to the Planning Commission.

6. Robert Minkoff. Mr. Minkoff offered his services to the Licenses and Inspection Department to assist them since he is a licensed professional engineer. Mayor Freeland thanked Mr. Minkoff for his offer and said staff will be in touch with him.

7. Eugene Thirolf, 407 Mercer Road, Vice President of the Hungerford Stoneridge Civic Association. Mr. Thirolf spoke in favor of the reuse of the Dawson Farmhouse as a residence for the Owens family and said that the neighborhood has no objection to their use. He said he would like to make it clear that they were looking forward to having the Owens as neighbors. Mayor Freeland thanked the civic association for its help and for being so cooperative.

8. Mrs. Aggarwal, Rockville Delicatessin. She asked that the Mayor and Council assist them in the reinstatement of their licenses. Councilman Abrams asked that Mrs. Aggarwal meet with the City Manager and the staff and

go over all the correspondence and details with their counsel present, if possible.

9. Robert Jacques, Chairman of the County Assessment Board. Mr. Jacques said that opening the Courthouse Square Road could be hazzardous. A pedestrian mall would be the best use. It is dangerous to have traffic going through there. He noted that public hearings this evening will address assessments and the City should discuss assessment problems if they plan to depend on real estate tax for their major source of income. Mayor Freeland said the staff would be meeting with the Assessment Board from the County and told Mr. Jacques there will be some traffic going through Courthouse Square but it will be monitored closely so that it does not become a problem.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Public Hearings: (continuation)  
proposed ordinance to add a new  
Section 12-1.18B to Chapter 12 of  
the "Laws of Rockville", to require  
certain contracts for sale of real  
property to notify purchasers of  
levied or estimated special  
assessments

The Mayor and Council continued a public on an ordinance requiring certain contracts for sale of real property to notify purchasers of levied or estimated special assessments and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing closed and the record to be held open for two weeks.

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Re: Public Hearing: Resolution of the Mayor and Council to amend the Charter of the City of Rockville so as to add to and expand upon the types of public improvements and the purposes thereof which may be the subject of special assessments, to authorize the temporary exemption of certain properties from assessments, to provide for the taking of a "B" rule appeal from a special assessment, to delete the 10 year limitation on assessments of permanent repairs and to authorize the assessment of periodic, continuing, and on-going repairs and maintenance of public improvements.

The Mayor and Council conducted a public hearing on a resolution to amend the Charter of the City of Rockville, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing closed and the record to be held open for two weeks.

Re: Public Hearing: Resolution of the Mayor and Council to amend the Charter of the City of Rockville by deleting Section 13 of Article VII and substituting in its place a new Section 13 of Article VII with amendments so as to simplify the procurement requirements of the Charter; to authorize the City Manager to designate an official to act on his/her behalf in executing contracts; to authorize the Mayor and Council to provide by ordinance for rules and regulations regarding purchases and contracts for the City government

The Mayor and Council conducted a public hearing on a resolution to amend the Charter of the City of Rockville, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing closed, and the record to be held open for two weeks.

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Re: Public Hearing: Proposed Ordinance to repeal and re-enact with amendments Section 2-1.04I of the "Laws of Rockville" Chapter 2, entitled City Manager to provide for purchases pursuant to Chapter 5

The Mayor and Council conducted a public hearing on a proposed ordinance to provide for purchases pursuant to Chapter 5, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing closed with the record to be held open for two weeks.

Re: Public Hearing: Proposed Ordinance to adopt a new Chapter 5 of "Laws of Rockville" entitled "Purchasing Contracts and Dispositions" to provide for rules and regulations regarding City purchases, contracts and the disposition of City property

The Mayor and Council conducted a public hearing on a proposed ordinance to adopt a new Chapter 5 of the "Laws of Rockville" and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing closed with the record to be held open for two weeks.

Re: Introduction of Ordinance: To repeal and re-enact, with amendments, Chapter 22 of the "Laws of Rockville", entitled "Secondhand Precious Metals Dealers" to change the title of the law to "Secondhand Personal Property" and to regulate the activity of those individuals who are in the business of acquiring secondhand personal property.

On motion of Councilman Abrams, there was introduced upon the table, an ordinance to repeal and re-enact, with amendments, Chapter 22 of the "Laws of Rockville", entitled "Secondhand Precious Metals Dealers", said ordinance to lay over one week before final action is taken.

Re: Approval of program to provide  
activities in Courthouse Square

In accordance with the concept plan for the utilization of Courthouse Square, staff has developed a plan to create activities that will achieve the goal of making the Courthouse Square Park a true focal point.

Programming will be conducted in three basic areas:

- 1) Summer in the Square - This program will continue as in the past every Tuesday and Thursday evening from late June through the end of August. This is a very successful program and has drawn over 200 people per performance. Performing groups include military bands, various musical, dance and other special groups.
- 2) Noon Concerts and Entertainment - This is something new and is in the planning stage. It will be jointly produced between the City Recreation and Park staff and Montgomery County Recreation staff. Meetings are underway to develop an appropriate arrangement to conduct the entertainment.
- 3) Saturday Events - This is also a new program and will be developed under a unique self-supporting system that will allow for entertainment as well as an open air market place. Programming would take place between May and September 1983. Program types - Arts and Crafts Shows, Farmers' Markets, Antique Shows, and Flea Markets.

Councilwoman Hovsepian asked if there is money in the budget for this or must there be a transfer at mid-year. The City Manager said there is \$3,500 in this fiscal year but the goal is for revenue to off set the cost. Mayor Freeland asked about the \$10 fee charged to vendors at the dedication. He said it was apparent that vendors would have gladly paid more. Mr. Olson said that it was the staff's feeling that the small \$10 fee would assure that vendors would come. It is conservative and possibly the City could charge more but since this is in the formative stage they would prefer to stay with that figure. Mayor Freeland asked that the staff work with Montgomery County and avoid duplication of swap meet activities, instead have programs to compliment that well-attended activity. Mr. Olson said it is the staff's intention to include a farmers' market and arts and crafts shop during the County's swap meet days.

On motion of Councilman Duncan, duly seconded and unanimously passed, approval was given to the Courthouse Square activities.

Re: Approval of proposed testimony  
before the Montgomery County  
Board of Education on the propose  
FY 84 Operating Budget

Testimony will be given on January 20 by the Mayor. The testimony will be limited to four minutes. The remarks before the Council do not speak



directly to the School Board budget but it is an excellent forum for the Mayor to formally address the new School Board and discuss the City's plans for the new Advisory Commission on Education. Councilman Tyner suggested a rearrangement of the paragraphs in the testimony. The Council agreed to this. Mayor Freeland said he would take this opportunity to introduce the new chairman of the Advisory Commission on Public Education.

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, the Council approved the testimony.

Re: Approval of proposal to purchase  
an emergency generator for City  
Hall

The City Hall addition design had always planned for an emergency power generator. The concrete pad is in place along with a 500 gallon underground deisel fuel tank and most of the electrical wiring. The 500 gallon tank will provide a minimum of three days of emergency power. The last two years the police chief has sought a government surplus emergency generator to meet the City's requirements with no success. The City's consultant, Silver Associates, has estimated that the costs for the project should run \$25,000 to \$30,000 for required wiring and installation and \$40,000 for the \$150 kilowatt generator itself. The funds to cover the project should be taken from the unexpended fund balance of the City Hall addition CIP project. From the time that bid specs are prepared on February 11 until a generator is installed, should take five months. Staff is recommending that authorization be given for the purchase and that it be paid for with the unexpended portion of the City Hall funds.

On motion of Councilman Tyner, duly seconded and unanimously passed, approval was given for the purchase of the generator. Councilwoman Hovsepian commented that she hoped it would solve the problems with the telephones.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. MML, re hosting 1984 Legislative Conference

Councilman Tyner asked if the Mayor and Council had considered hosting this conference. It was the consensus of the Council that the City not submit an application.

2. Congressional Public Works Committee, re infrastructure issues
3. Anchorage, Alaska, re Goal setting process
4. Mayor Rafauste, Kensington, response to Mayor's letter

5. Superintendent of Schools, re Board hearings
6. Dr. Parilla, Montgomery College, re traffic light
7. Senator Sarbanes, re thank you note
8. Rockville Lions, re Anniversary of their club

Councilman Duncan said it would seem that it is apparent that the Lions have contributed alot to the City. Mayor Freeland asked that a proclamation be prepared for their 45th anniversary.

9. Frank Williams, re sidewalk inventory

Mayor Freeland instructed the City Manager to repair the sidewalk outside of the Williams' home.

10. Barry Sher, re meetings for Giant driveway

Mayor Freeland asked that a letter be sent to the Giant Company in appreciation of their efforts.

Re: Information Items

The Mayor and Council noted the following items of information:

1. Memo from City Attorney re Merson v. Mayor and Council
2. Response to citizen complaint
3. Information on Forum on Sign Ordinance revision

Councilman Tyner suggested that a timetable for implementation be sent out.

4. Memo re EDC brochure

The Mayor asked that a broader distribution be set up for this brochure and asked that the EDC be consulted on this.

5. Memo re Proposed Use of Lone Oak School
6. Memo re Lewis Avenue Speed Humps

The Mayor said he can appreciate and recognize the Traffic and Transportation's feelings on this. It is apparent that the survey gives mixed results, but there is nothing there to indicate that speed humps not be used. He asked that the speed humps be put in place on North Adams Street as another test. He asked that the City Manager consult with the Transportation and Traffic Commission for the exact location of the humps on Adams Street. He also asked that the City Manager look for the report from T&T on Adams Street which was discussed at their December meeting. He said the speed humps should definitely be placed there since it is so unusual to have one hundred percent neighborhood participation and agreement.

7. Status Report of Community Resources
8. Staff response to I-270 issues raised by citizens

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9. Memo re Rt. 355/Talbott St. intersection signals  
Councilman Abrams asked that the staff relook at this since it is very difficult to cross there with heavy traffic.
10. Memo re North Farm Complaints
11. Memo re Hunan Restaurant - Rockville Pike

Re: New Business

1. Councilwoman Hovsepian commented on the excellent commemoration of the Martin Luther King Day and exchange of cultures. She said each one there was representative and delighted to share. The Mayor seconded Mrs. Hovsepian's comments and said that anyone who did not attend missed a great day.
2. Councilman Abrams said he had only one person come to the Saturday visitation and this person explained he must pay a minimum water rate even though he uses conservation devices which seems to be a penalty. He asked the staff look into a restructured schedule. The Mayor said the last report should be updated.
3. Mr. Duncan asked for a status report on negotiations with the Owens on the Dawson Farmhouse. Mr. Fitzgerald explained that he had met with Larry Owens, of the City staff, and devised a lot of the right size with a configuration resembling the previous one, but the Owens were dissatisfied. He said there was too small a back yard. Councilman Duncan said it seemed to him that the staff had been asked to preserve that lot configuration. The Mayor disagreed and said that 12,900 does meet Mayor and Council instructions to the staff last week. Mr. Fitzgerald then showed the Mayor and Council a new sketch giving the Owens the back yard they wished and showing a pipestem configuration in the front. The City Manager said the staff would prefer that a larger amount of land be given rather than a strange configuration, since the pipestem would give the appearance of the City maintaining private property. Councilman Duncan suggested that as a condition of sale, maybe the Owens would maintain the front of the property. The Owens said they would be very happy to maintain the front property. There is a very small back yard in the 12,000 square foot configuration and Mrs. Owens said they are quite worried about encroachment from the park and being penalized. She said the place must be livable if they are going to purchase it. They will be spending alot of funds and would like to be able to have a usable backyard. The Mayor suggested the Council rethink its decision. He said he

does not like the pipestem configuration either and the intent of the Mayor and Council in deeding the property to Peerless Rockville was not to create problems but to solve problems and it would seem that this entire transaction has brought one problem after another. After further discussion, the Council agreed that the staff work out the lot size of 14,700 with the Owens family.

4. The City Manager brought to the Council's attention General Assembly Bill MC/PG2-83 concerning WSSC Sewage Treatment Capacity Legislation. This is a bill that has been sponsored by Delegates Garrett, Ficker, and Forehand and has serious implications for the City of Rockville. It could take away sewage treatment capacity rights already purchased by the City in the Blue Plains Waste Water Treatment Facility. Councilman Abrams suggested that Mrs. Forehand be requested to withdraw her name from the bill since it is so detrimental to the citizens of Rockville. The Mayor asked that a letter be sent to Senator Kramer, Chairman of the Montgomery County Senate Delegation, expressing the City's strong opposition and a letter be sent to Mrs. Forehand asking she withdraw her sponsorship of the bill.

5. Councilman Tyner said the MML/LAC took no action on the Tillie Frank Task Force report at the Governor's request. Chances are there will be a favorable report from the Governor's office and it will become the language of the Governor's bill to be supported by MACO and MML.

Re: Adjournment

There being no further business to come before the Council in general session, the meeting was adjourned at 10:55 p.m. to convene again in executive session on Wednesday, January 19, 1983, at 7:00 p.m. or at the call of the Mayor.

Re: Executive Session

The Mayor and Council of Rockville, Maryland, convened in executive session on Wednesday, January 19, 1983, at 7:00 p.m. in the City Manager's Conference Room, Maryland Avenue at Vinson Street, Rockville, Maryland, to discuss property disposition and personnel.

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at 10:20 p.m. to convene again in general session on Monday, January 31, 1983, at 8:00 p.m. or at the call of the Mayor.